

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Assistant Commissioner for Patents  
**BOX PATENT APPLICATION**  
Washington, D.C. 20231

**TRANSMITTAL FOR A NEWLY EXECUTED  
ORIGINAL APPLICATION UNDER 37 C.F.R. § 1.53(b)**

This is a request for filing a patent application under 37 C.F.R. § 1.53(b) for:

Inventor(s): H.-J. Su HUANG; Motoo NAGANE; and Webster K. CAVENEY

For: METHODS TO MODULATE THE RESISTANCE OF CELLS TO APOPTOSIS  
MEDIATED BY MUTANT EPIDERMAL GROWTH FACTOR RECEPTORS

1. This is a new  Utility  Design  Plant patent application.
2. The papers enclosed to obtain a filing date are as follows:

32 Pages of Specification including  
1 Title Page  
3 Pages of Claims  
1 Page(s) of Abstract  
11 Sheets of  FORMAL  INFORMAL drawings containing    Figures  
[ ] The enclosed drawing(s) are photograph(s), and there is also attached a  
PETITION TO ACCEPT PHOTOGRAPH(S) AS DRAWING(S)

3. Combined Declaration and Power of Attorney

[ ] Enclosed and is executed by all inventors.  
 Not Enclosed.

This application is being filed under the provisions of 37 C.F.R. § 1.53(f).  
Applicant(s) await notification from the Patent and Trademark Office of the time  
set for filing the Declaration and paying the filing fees.

4. Language

English

[ ] Non-English

This application is being filed in accordance with 37 C.F.R. § 1.52(d) and § 608.01 of the MPEP. Applicant(s) await notification from the Patent and Trademark Office of the time set for filing the verified English translation and the processing fee.

5. Assignment

[ ] An assignment of the invention to \_\_\_\_\_ and a PTO Form-1595, Recordation Form Cover Sheet, are enclosed.

[X] An assignment will be filed at a later date.

6. Priority - foreign applications under 35 U.S.C. § 119(a)-(d) or § 365(b) or PCT international applications under 35 U.S.C. § 365(a) designating at least one country other than the U.S.

[ ] Priority of the following foreign application(s) is claimed:

| Country | Application No. | Filed |
|---------|-----------------|-------|
|         |                 |       |
|         |                 |       |

Certified copy(ies): [ ] is/are attached. [ ] will follow.

7. Priority based on provisional application(s) - 35 U.S.C. § 119(e)

[ ] Priority of the following provisional application(s) is claimed:

| Application No. | Filed |
|-----------------|-------|
|                 |       |
|                 |       |

## 8. Relate Back - 35 U.S.C. § 119(e)

Amend the specification by inserting before the first line the sentence:  
 "This application claims priority of copending provisional application(s)  
 No. \_\_\_\_\_ filed on \_\_\_\_\_."

## 9. Small entity status

A statement claiming small entity status under 37 C.F.R. §§ 1.9 and 1.27 is enclosed.

## 10. Fee Calculation (37 C.F.R. § 1.16)

| CLAIMS FOR FEE CALCULATION                               |              |              |                |  |
|--|--------------|--------------|----------------|--|
|  | Number Filed | Number Extra | at Rate of     | Basic Fee<br>Utility \$790.00<br>Design \$330.00                 |
| Total Claims<br>(37 C.F.R. §1.16(c))                     | 19 - 20 =    | 0            | \$ 22.00 each= | + 0  |
| Independent Claims<br>(37 C.F.R. §1.16(b))               | 3 - 3 = 0    | 0            | \$ 82.00 each= | + 0  |
| Multiple dependent claim(s), if any (37 C.F.R. §1.16(d)) |              |              | \$270.00       | + 270.00   |
|  |              |              |                | <b>SUB-TOTAL = \$ 1,060.00</b>                                   |
|  |              |              |                | <b>Reduction by 1/2 for filing by a small entity - \$ 530.00</b> |
|  |              |              |                | <b>TOTAL FILING FEE = \$ 530.00</b>                              |

## 11. Fee Payment

Not Enclosed. **NO FEE IS BEING PAID BY CHECK OR DEPOSIT ACCOUNT AT THIS TIME.**

This application is being filed under the provisions of 37 C.F.R. § 1.53(f).  
 Applicant(s) await notification from the Patent and Trademark Office of the time set for filing the Declaration and paying the filing fees.

Enclosed.

- A check(s) in the amount of \$\_\_\_\_\_ to cover the \_\_\_\_\_ is enclosed.
12. [x] EXCEPT for issue fees payable under 37 C.F.R. § 1.18, the Commissioner is hereby authorized by this paper to charge any additional fees during the entire pendency of this application including fees due under 37 C.F.R. §§ 1.16 and 1.17 which may be required, including any required extension of time fees, or credit any overpayment to Deposit Account 50-0310. This paragraph is intended to be a **CONSTRUCTIVE PETITION FOR EXTENSION OF TIME** in accordance with 37 C.F.R. § 1.136(a)(3).

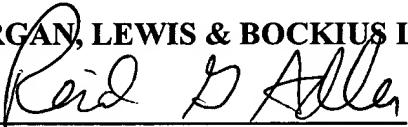
13. Additional papers enclosed:

- [ ] Preliminary Amendment
- [ ] Information Disclosure Statement
- [ ] Form PTO-1449, \_\_\_\_\_ references included
- [ ] Declaration of Biological Deposit
- [ ] Submission of "Sequence Listing", computer readable copy and/or amendment pertaining thereto for biotechnology invention containing nucleotide and/or amino acid sequence.

**Please accord this application an application number and filing date.**

Respectfully submitted,

MORGAN, LEWIS & BOCKIUS LLP



Reid G. Adler

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Dated: May 4, 1998

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